

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

SNMP RESEARCH, INC. and SNMP
RESEARCH INTERNATIONAL, INC.,

Plaintiffs,

v.

BROADCOM INC.; BROCADE
COMMUNICATIONS SYSTEMS LLC; and
EXTREME NETWORKS, INC.

Defendants.

Case No. 3:20-cv-00451

**DEFENDANTS BROADCOM INC. AND BROCADE COMMUNICATIONS SYSTEMS
LLC'S JOINT MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT**

Pursuant to Local Rule 7.1, Federal Rule of Civil Procedure 12(b)(6), 28 U.S.C. Section 1400(a), 17 U.S.C. Section 411, and 17 U.S.C. Section 301, Defendants Broadcom Inc. and Brocade Communications Systems LLC ("Defendants"), by and through counsel, respectfully move to dismiss this case for failure to state a claim. Plaintiffs' copyright infringement claims fail because their registrations are invalid, and the software used by Brocade was not registered. In addition, Plaintiffs' claim for breach of contract is preempted.

In support of its Motion, Defendants submit the accompanying Memorandum of Law.

Defendants and Plaintiffs reached a settlement in principle on January 30, 2023, and continue to diligently work on documenting the settlement. On March 10, 2023, seven days after Plaintiffs filed their Amended Complaint, Defendants requested that Plaintiffs stipulate to an

extension of Defendants' deadline to respond to the Amended Complaint. In a call between Plaintiffs' and Defendants' counsel on March 13, 2023, Plaintiffs' counsel indicated that they believed such a stipulation was unnecessary because the settlement paperwork would likely be completed shortly. Nevertheless, Defendants file this motion out of an abundance of caution.

Defendants request oral argument on this motion.

Dated: March 16, 2023

HUESTON HENNIGAN LLP

By: /s/ Alison L. Plessman
Alison L. Plessman
Attorneys for Defendants
Broadcom Corporation
Brocade Communications Systems LLC